UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/478,006	01/05/2000	ARNAUD GOURDOL	P2413-515	1054

21839   7590   03/24/2005

BURNS DOANE SWECKER & MATHIS L L P
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER
NGUYEN, LE V

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/478,006	GOURDOL ET AL.
	Examiner	**Art Unit**	
	Le Nguyen	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>05 January 2005</u>.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *3,8,13,16-24, 30,41,42,44-46,48-50,52 and 57-77* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) *3,8,13,27-29 and 56* is/are allowed.

6) ☒ Claim(s) *16-24,27,30,41,42,44-46,48-50,52 and 56-77* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.　　This communication is responsive to an amendment filed 1/5/05.

2.　　Claims 3, 8, 13, 16-24, 27-30, 41, 42, 44-46, 48-50, 52 and 56-77 are pending in this application. Claims 3, 8, 13, 16, 19, 22, 27, 30, 41, 42, 44-46, 48-50, 52, 56, 57, 61, 63, 66, 69, 71 and 77 are independent claims; claims 1-2, 4-7, 9-12, 14-15, 25-26, 31-40, 43, 47, 51 and 53-55 are cancelled; claims 16, 19, 22, 30, 41, 42, 44, 45, 46, 48-50 and 52 are amended; claims 56-77 are newly added; and, claims 3, 8, 13, 27-29 and 56 are allowed.

3.　　The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

4.　　The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5.　　Claims 74 and 75 recite the indefinite language, "the selected icon reflects an importance to the user". The term "importance" in context of user's perspective is a relative term and is a mental step, which is a non-statutory step. A non-statutory step is not manipulative, i.e. lacking a concrete result, and is, therefore, indefinite. Moreover, a mental step cannot serve to define over the prior art. Treatment of the claims requires that a human (administrator) make a mental determination on a standard that is

subjective. The examiner will interpret the claims to mean the same as the claims that

which it depend.

Claim Rejections - 35 USC § 103

6.   Claims 16-24, 41, 42, 45, 46, 49 and 50 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Sciammarella et al. ("Sciammarella", US 6,570,582) in view of

Screen Dumps of Microsoft Windows NT ("MS Win").

As per claim 16, although Sciammarella teaches a method for varying the size of

a plurality of icons based upon an object characteristic, wherein the object

characteristic is a number of files in the object, the method comprising the steps of

storing icon data representative of a plurality of icon images (figs. 1-3 and 6(A-C);

wherein storing icon data, whether in cache memory, graphics memory or hard drive, is

inherent in order for the icons to be displayed), selecting individual icons for variable

icon sizing (figs. 1-3 and 6(A-C); *icons are selected and sized according to a temporal*

relationship), determining the object characteristic with respect to each of a plurality of

objects respectively associated with the selected individual icons (figs. 1-3 and 6(A-C);

col. 4, lines 41-57), automatically generating icon images of different respective sizes

representing the objects, wherein the size of an icon is determined by the object

characteristic (figs. 1-3 and 6(A-C); col. 4, lines 41-57; *icons of varied sizes are*

automatically displayed in such a manner that the most recent (current) image on that

chain is the largest, while the other images on that chain decrease in size depending

on their date/time of creation, retrieval, etc.) and displaying the different sized icon

images representing the plurality of objects (figs. 1 and 2), Sciammarella does not

explicitly disclose the object characteristic being a number of files in the object. MS Win

teaches displaying a plurality of icons based upon an object characteristic wherein the

object characteristic is a number of files in the object (figs. 1 and 2; *icons are displayed*

in a sequential order from left to right wherein icons with the greater number of files are

displayed first, i.e. in fig. 1, users may set a preference 110 so that icons are

automatically displayed and arranged by size e.g. icon "ACTION61" of fig. 2 with file

"BACKUP" is displayed before icon "FP61" with no files in pane 220). Therefore, it

would have been obvious to an artisan at the time of the invention to include MS Win's

teaching of displaying a plurality of icons based upon an object characteristic wherein

the object characteristic is a number of files in the object to Sciammarellla's teaching of

displaying a plurality of icons based upon an object characteristic wherein the object

characteristic is a number of files in the object in order to provide users additional

options in arranging displayable icons.

As per claim 17, although the modified Sciammarella teaches a method for

varying the size of a plurality of icons based upon an object characteristic wherein the

generation step further comprises sorting icon images into an order based upon the

object characteristic (Sciammarella: figs. 1-3 and 6(A-C); col. 4, lines 41-57).

As per claim 18, the modified Sciammarella teaches a method for varying the

size of a plurality of icons based upon an object characteristic wherein the method

comprises determining the size of the icon by associating a maximum sized icon image

with an object having one extreme value for the object characteristic, associating a

minimum sized icon image with an object having another extreme value for the object

characteristic and assigning sizes to the remainder of the icon images with objects, in

proportion to the objects associated with the maximum and minimum sized icons

(Sciammarella: figs. 1-3 and 6(A-C); col. 4, lines 41-57).

Claims 19 and 22 are individually similar in scope to claim 16 and are therefore

rejected under similar rationale.

Claims 20 and 23 are individually similar in scope to claim 17 and are therefore

rejected under similar rationale.

Claims 21 and 24 are individually similar in scope to claim 18 and are therefore

rejected under similar rationale.

As per claim 41, although Sciammarella teaches a method for varying the size of

a plurality of icons based upon an object characteristic, wherein the object

characteristic is a number of files in the object, the method comprising the steps of

storing icon data representative of a plurality of icon images (figs. 1-3 and 6(A-C);

wherein storing icon data, whether in cache memory, graphics memory or hard drive, is

inherent in order for the icons to be displayed), selecting individual icons for variable

icon sizing (figs. 1-3 and 6(A-C); *icons are selected and sized according to a temporal*

relationship), determining the object characteristic with respect to each of a plurality of

objects respectively associated with the selected individual icons (figs. 1-3 and 6(A-C);

col. 4, lines 41-57), automatically generating icon images of different respective sizes

representing the objects, wherein the size of an icon is determined by the object

characteristic (figs. 1-3 and 6(A-C); col. 4, lines 41-57; *icons of varied sizes are*

automatically displayed in such a manner that the most recent (current) image on that

chain is the largest, while the other images on that chain decrease in size depending

on their date/time of creation, retrieval, etc.) and displaying the different sized icon

images representing the plurality of objects (figs. 1 and 2), Sciammarella does not

explicitly disclose the object characteristic being a size of the object. MS Win teaches

displaying a plurality of icons based upon an object characteristic wherein the object

characteristic is a number of files in the object (figs. 1 and 2; *icons are displayed in a*

sequential order from left to right wherein icons with the greater number of files are

displayed first, i.e. in fig. 1, users may set a preference 110 so that icons are

automatically displayed and arranged by size e.g. icon "ACTION61" of fig. 2 with file

"BACKUP" is displayed before icon "FP61" with no files in pane 220). Therefore, it

would have been obvious to an artisan at the time of the invention to include MS Win's

teaching of displaying a plurality of icons based upon an object characteristic wherein

the object characteristic is a size of the object to Sciammarellla's teaching of displaying

a plurality of icons based upon an object characteristic wherein the object characteristic

is a number of files in the object in order to provide users additional options in

arranging displayable icons.

As per claim 42, although Sciammarella teaches a method for varying the size of

a plurality of icons based upon an object characteristic, wherein the object

characteristic is a number of files in the object, the method comprising the steps of

storing icon data representative of a plurality of icon images (figs. 1-3 and 6(A-C);

wherein storing icon data, whether in cache memory, graphics memory or hard drive, is

inherent in order for the icons to be displayed), selecting individual icons for variable

icon sizing (figs. 1-3 and 6(A-C); *icons are selected and sized according to a temporal*

relationship), determining the object characteristic with respect to each of a plurality of

objects respectively associated with the selected individual icons (figs. 1-3 and 6(A-C);

col. 4, lines 41-57), automatically generating icon images of different respective sizes

representing the objects, wherein the size of an icon is determined by the object

characteristic (figs. 1-3 and 6(A-C); col. 4, lines 41-57; *icons of varied sizes are*

automatically displayed in such a manner that the most recent (current) image on that

chain is the largest, while the other images on that chain decrease in size depending

on their date/time of creation, retrieval, etc.) and displaying the different sized icon

images representing the plurality of objects (figs. 1 and 2), Sciammarella does not

explicitly disclose the object characteristic being an amount of memory that the object

uses. MS Win teaches displaying a plurality of icons based upon an object

characteristic wherein the object characteristic is an amount of memory that the object

uses (fig. 3; *displaying icons based upon an object characteristic wherein the object*

characteristic is an amount of memory that the object uses via slider 350). Therefore, it

would have been obvious to an artisan at the time of the invention to include MS Win's

teaching of displaying a plurality of icons based upon an object characteristic wherein

the object characteristic is an amount of memory that the object uses to

Sciammarella's teaching of displaying a plurality of icons based upon an object

characteristic wherein the object characteristic is a number of files in the object in order

to provide users additional options so that users may customize their desktop area.

Claims 46 and 50 are similar in scope to claim 42 and are therefore rejected

under similar rationale.

Claims 45 and 49 are individually similar in scope to claim 41 and are therefore

rejected under similar rationale.

7.   Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Screen

Dumps of Microsoft Windows NT ("MS Win") in view of Sciammarella et al.

("Sciammarella", US 6,570,582).

As per claim 30, although MS Win teaches a method for displaying a plurality of

icons in a window on a display device, comprising the steps of storing icon data

representative of a plurality of icon images (figs. 1-2; *wherein storing icon data, whether*

in cache memory, graphics memory or hard drive, is inherent in order for the icons to be

displayed), receiving a user command to display icons in the window (fig. 1; *user*

command via element 110) and automatically displaying the icons within the window

wherein the icons are displayed based upon characteristics of objects represented by

the icons (figs. 1 and 2; *icons are displayed in a sequential order from left to right*

wherein icons with the greater number of files are displayed first, i.e. in fig. 1, users may

set a preference 110 so that icons are automatically displayed and arranged by size e.g.

icon "ACTION61" of fig. 2 with file "BACKUP" is displayed before icon "FP61" with no

files in pane 220), MS Win does not explicitly disclose displaying the icons in

varied/different sizes. Sciammarella teaches a method for displaying a plurality of icons

in varied/different sizes on a display device wherein the different sizes of the icons are

based upon characteristics of objects (figs. 1-3; col. 4, lines 41-57). Therefore, it would

have been obvious to an artisan at the time of the invention to include Sciammarella's

teaching of displaying a plurality of icons in varied/different sizes on a display device

wherein the different sizes of the icons are based upon characteristics of objects to MS

Win's teaching of displaying a plurality of icons on a display device wherein the icons

are displayed based upon characteristics of objects in order to improve visual

presentation of information to the viewer.

Claim Rejections - 35 USC § 102

8.   Claims 44, 48 and 52 are rejected under 35 U.S.C. 102(e) as being anticipated

by Sciammarella et al. ("Sciammarella", US 6,570,582).

As per claim 44, Sciammarella teaches a method for varying the size of a

plurality of icons based upon an object characteristic, wherein the object characteristic

is a measure of how recently the object was added or amended, the method comprising

the steps of storing icon data representative of a plurality of icon images (figs. 1-3 and

6(A-C); *wherein storing icon data, whether in cache memory, graphics memory or hard

drive, is inherent in order for the icons to be displayed*), selecting individual icons for

variable icon sizing (figs. 1-3 and 6(A-C); *icons are selected and sized according to a

temporal relationship*), determining the object characteristic with respect to each of a

plurality of objects respectively associated with the selected individual icons (figs. 1-3

and 6(A-C); col. 4, lines 41-57), automatically generating icon images of different

respective sizes representing the objects, wherein the size of an icon is determined by

the object characteristic (figs. 1-3 and 6(A-C); col. 4, lines 41-57; *icons of varied sizes*

are automatically displayed in such a manner that the most recent (current) image on

that chain is the largest, while the other images on that chain decrease in size

depending on their date/time of creation, retrieval, etc.) and displaying the different

sized icon images representing the plurality of objects (figs. 1 and 2).

Claims 48 and 52 are individually similar in scope to claim 44 and are therefore

rejected under similar rationale.

9.   Claims 57-77 are rejected under 35 U.S.C. 102(b) as being anticipated by

Screen Dumps of Microsoft Windows NT ("MS Win").

As per claim 57, MS Win teaches a method for varying the size of at least one of

a plurality of icons displayed in a display device comprising receiving a user's selection

of one of the plurality of icons and a user's indication of size for the selected icon and

sizing the selected icon individually based on the received indication of size (figs. 1-2;

method comprising user's selection of a plurality of icons in pane 100 and size

indication 101/102).

As per claim 58, MS Win teaches a method for varying the size of at least one of

a plurality of icons displayed in a display device comprising repeating the receiving and

sizing for a plurality of the plurality of icons (figs. 1-2; *repeating the receiving and sizing*

for a plurality of icons by selecting a child node in pane 100 and selecting size indication

101/102).

As per claim 59, MS Win teaches a method for varying the size of at least one of

a plurality of icons displayed in a display device comprising repeating the receiving and

sizing for each of the plurality of icons (figs. 1-2; *repeating the receiving and sizing for a*

plurality of icons by selecting another node in pane 100 and selecting size indication 101/102).

As per claim 60, MS Win teaches a method for varying the size of at least one of a plurality of icons displayed in a display device wherein the sizing is performed automatically (figs. 4-6; *after user's initial setting of window 405 to display "Small Icons", sizing is performed automatically as indicative of large icon 470 changing to small icon 680 upon its addition in pane 600 via a drag-and-drop operation of fig. 5).*

Claims 61 and 63 are individually similar in scope to claim 57 and are therefore rejected under similar rationale.

As per claims 62 and 70, MS Win teaches an apparatus for varying the size of at least one of a plurality of icons displayed in a display device wherein the means for receiving receives a user's indication of size for each of the plurality of icons, and the means for sizing sizes each of the plurality of icons individually based on the corresponding received indication of size (figs. 1-2).

Claims 64, 66, 69 and 71 are individually similar in scope to claim 58 and are therefore rejected under similar rationale.

Claim 65 is similar in scope to claim 59 and is therefore rejected under similar rationale.

As per claims 67 and 72, MS Win teaches a method for varying the size of at least one of a plurality of icons displayed in a display device wherein the subset consists of one icon (figs. 1, 2 and 4-6; *method comprising user's selection of a subset*

of the plurality of icons in pane 100 such as "ACTION61" and size indication 101/102

wherein the subset "ACTION61" may consist of one icon such as "BACKUP").

As per claims 68 and 73, MS Win teaches a method and computer readable

medium for varying the size of at least one of a plurality of icons displayed in a display

device comprising repeating the receiving and sizing for a different subset of the

plurality of icons (figs. 1-2; *repeating the receiving and sizing for a different subset of the*

plurality of icons by selecting another child node in pane 100 and selecting size

indication 101/102).

As per claims 74 and 75, MS Win teaches a method and computer readable

medium for varying the size of at least one of a plurality of icons displayed in a display

device wherein the user's indication of size for the selected icon reflects an importance

to the user of an object represented by the selected icon (figs. 1, 2 and 4-6).

As per claim 76, MS Win teaches a method for varying the size of at least one of

a plurality of icons displayed in a display device wherein the sizing is performed

automatically (figs. 4-6; *after user's initial setting of window 405 to display "Small*

Icons", sizing is performed automatically as indicative of large icon 470 changing to

small icon 680 upon its addition in pane 600 via a drag-and-drop operation of fig. 5).

As per claim 77, MS Win teaches a method for varying the size of at least one of

a plurality of icons displayed in a display device comprising receiving a user's selection

of icons from the plurality of icons wherein the selection includes a sequence in which

the selected icons were selected by the user and automatically sizing the selected

icons based on the sequence (figs. 4-6; *after user's initial setting of window 405 to*

display user selected sequence in which the selected icons were selected as "Small

Icons", sizing is performed automatically as indicative of large icon 470 changing to

small icon 680 upon its addition in pane 600 via a drag-and-drop operation of fig. 5).

Response to Arguments

10.   Applicant's arguments with respect to claims 16-24, 30, 41, 42, 44-46, 48-50, 52

and 57-77 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

11.   Claim 3, 8, 13, 27-29 and 56 are allowed.

Conclusion

12.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Weinberg et al. (US 6,237,006 B1) teach methods for graphically representing

Web sites and hierarchical node structures.

Steele et al. (US 5,973,694) teach a method of communication using sized icons,

text and audio.

Inquires

13.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571)**

272-4068. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax numbers for the organization where this application or proceeding is assigned are as follows:

(703) 872-9306 [Official Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

LVN
Patent Examiner
March 1, 2005

KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100